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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,256	03/27/2001	Forrest B. Phillips	W0612.70001US01	2099

23628 7590 02/21/2007  
WOLF GREENFIELD & SACKS, PC  
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600 ATLANTIC AVENUE  
BOSTON, MA 02210-2206

EXAMINER
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MATHEW, FENN C

ART UNIT	PAPER NUMBER
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3764

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

09/819,256

**Applicant(s)**

PHILLIPS, FORREST B.

**Examiner**

Fenn C. Mathew

**Art Unit**

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-8, 10, 12, 13, 87, 88 and 102-141 is/are pending in the application.
- 4a) Of the above claim(s) 12, 13, 22, 87, 104-107, 111-113, 117 and 130 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 124-127 is/are allowed.
- 6) ☒ Claim(s) 6-8, 10, 88, 102, 103, 108-110, 114-116, 118-121, 128, 129 and 133-141 is/are rejected.
- 7) ☒ Claim(s) 122, 123, 131 and 132 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of;
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 117 and 130 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims disclose a rigid frame which is not shown in the elected figure 1.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 117 and 130 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 6-8, 10, 88, 114-116, 118-121, 128-130 and 133-137, and 140-141 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gourchounian (U.S. D460,141). Referring to claim 114, Gourchounian discloses an inflatable slide including an inclined portion, a horizontal upper portion, and a horizontal lower portion, and an inflatable bumper, and an upwardly extending support structure allow a user to access the upper horizontal portion. Gourchounian is silent with regards to the frictional properties of the inclined portion, however, it would have been obvious to one of ordinary skill in the art at the time of invention to have the inclined portion comprised of

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a relatively low-friction material in order to allow a user to slide down the inclined portion. Referring to claim 115, Gourchounian is silent with respect to the material of the horizontal upper portion, however, it would have been obvious to the skilled artisan to have a material of high enough friction in order to prevent unwanted slipping while standing at the top of the device. Referring to claim 116, the inflatable nature of the device would inherently cause a degree of bounce. Referring to claim 118, as broadly construed, the device includes a step to reach the inclined surface. Referring to 119, the inflatable structure is integral with the horizontal portions. Referring to claim 120-121, the bumper extends along the lower horizontal portion and along the entire perimeter. Referring to claim 6, Gourchounian does not explicitly claim an air blower, however the feature of providing an air blower would have been obvious to one of ordinary skill in the art since the inflatable nature of the device requires inflation means in the form of an air blower. Referring to claim 7, the inflatable nature of the device inherently leads to a degree of portability. Referring to claim 8 and 10, limitations drawn to the specific materials used are considered matters of ordinary design well within the knowledge of the skilled artisan, as the skilled artisan would select from numerous materials absent criticality or unexpected results. Claims 128-130, 133-137, and 140-141 are substantially similar in scope to the claims above. Note the above rejections.

4. Claims 88, 102-103, 110, and 138-139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gourchounian as applied to claims above, and further in view of Jacober (U.S. 4,805,898). Referring to the claims, Gourchounian teaches the claimed invention except for a means to introduce water onto the slide. Jacober

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teaches the desirability of providing a means to introduce water onto the inclined portion of a slide in order to increase enjoyment while sliding. In view of the teachings of Jacober, it would have been obvious to one of ordinary skill in the art to provide Gourchounian with a means for introducing water (or in cold weather snow/ice) in order to increase enjoyment and reduce friction while sliding.

5. Claims 108-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gourchounian as applied to claims above, and further in view of Merino (U.S. 4,762,316). Gourchounian teaches the claimed invention except for a riding element. Merino teaches the desirability of providing a riding element in order to allow a user to traverse a slide. In view of the teachings of Merino it would have been obvious to provide a low friction riding element in order to increase user enjoyment and limit sliding contact between the user's body and the slide.

#### ***Allowable Subject Matter***

6. Claims 122-133 and 131-132 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 124-127 are allowed.

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



F.C. Mathew  
February 20, 2007